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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,550	04/26/2001	Raymond S. Bamford	ENSY-004	9238
22862	7590	01/09/2006	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			ROBINSON BOYCE, AKIBA K	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/843,550

**Applicant(s)**

BAMFORD ET AL.

**Examiner**

Akiba K. Robinson-Boyce

**Art Unit**

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Status of Claims*

1. Due to communications filed 7/28/05, the following is a final office action. Claims 1, 6, 9, 14, 17, 22 and 25 are amended. Claims 1-25 are pending in this application and have been examined on the merits. Claims 1-25 are rejected as follows.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al (US 6,754,636).

As for Claim 1 , Walker et al. discloses a method comprising:

receiving the electronic price request for the buyer, (see Figs. 1B, 10B, 26A, 26B);

in response to the electronic price request, performing a computer-executed act

of determining whether title to the goods passes directly from the manufacturer to

the buyer or through an intermediate e-market place (col. 20, lines 30-64);

computing a price of the goods to the buyer based at least partially on the

determining act, (see Fig. 20 for displaying the price of the goods, in this case, it is

inherent for the price to be computed if it is actually displayed, also, col. 30, lines 36-40,

Art Unit: 3639

shows that once the buyer offer has been accepted by the seller, a freeze may be place on the buyer's funds for the amount of the product price, plus any applicable tax amount calculated, thus indicating that the total price [including tax] is computed to be deducted from the buyer's funds).

Providing the buyer with a machine-readable signal for displaying the computed price, (Col. 33, line 63-col. 34, line 3, shows that the POS register receives a verification signal and processes the transaction, which issues the buyer a receipt for an amount due).

As for Claim 2, Walker et al. further discloses the method wherein a first pricing regime is implemented when it is determined that title to the goods passes directly from the manufacturer to the buyer (This is inherently true for all the direct transactions between the buyer and manufacturers. Otherwise, the manufacturer will commit fraud by not delivering the title to the buyer who paid for the goods. See Supra Figs. IOB, 26A, B).

As for Claim 3, Walker et al. further discloses the method, wherein when it is determined that title passes through an intermediate e-market place, the method further includes determining whether to implement the first pricing regime or a second pricing regime (see Supra column and col. 36, lines 7-19; col. 37, lines 15-30).

As for Claim 4, Walker et al. further discloses the method including the step of determining whether to discount a price (see Id.).

As for Claim 5, Walker et al. further discloses the method, wherein a discount is determined based on volume of a current order (see supra column 37).

As for Claim 6, Walker et al. further discloses the method, wherein a discount is determined based on: a stocking/handling charge (the buyer's address or location is pertinent to this, see col. 37, lines 5-30).

As for Claim 7, Walker et al. further discloses the method including the step of determining whether to customize the price (see Supra columns for customizing the price for a specific customer).

As for Claim 8, Walker et al. further discloses the method, wherein the price is customized based on: geographic region, customer information, product line information, manufacturer information (see Supra column 37).

As Claim 9, Walker et al. discloses a computer having logic programmable to execute method acts, method acts comprising:

receiving the electronic request from the buyer, (see Figs. 1B, 1OB, 26A, 26B);  
in response to the electronic request, determining whether title to the goods passes directly from the manufacturer to the buyer or through an intermediate e-market place (col. 20, lines 30-64).,

computing a price of the goods to the buyer based at least partially on the determining act, (see Fig. 20 for displaying the price of the goods, in this case, it is inherent for the price to be computed if it is actually displayed, also, col. 30, lines 36-40, shows that once the buyer offer has been accepted by the seller, a freeze may be place on the buyer's funds for the amount of the product price, plus any applicable tax amount calculated, thus indicating that the total price [including tax] is computed to be deducted from the buyer's funds).

Art Unit: 3639

Providing the buyer with a machine-readable signal for displaying the computed price, Col. 33, line 63-col. 34, line 3, shows that the POS register receives a verification signal and processes the transaction, which issues the buyer a receipt for an amount due).

As for Claim 10, Walker et al. further discloses the logic, wherein a first pricing regime is implemented when it is determined that title to the goods passes directly from the manufacturer to the buyer (This is inherently true for all the direct transactions between the buyer and manufacturers. Otherwise, the manufacturer will commit fraud by not delivering the title to the buyer who paid for the goods. See Supra Figs. IOB, 26A, B).

As for Claim 11, Walker et al. further discloses the computer, wherein when it is determined that title passes through an intermediate e-market place, the method further includes determining whether to implement the first pricing regime or a second pricing regime (see Supra column and col. 36, lines 7-19', col. 37, lines 15-30).

As for Claim 12, Walker et al. further discloses the logic programmable to determine whether to discount a price (see Id.).

As for Claim 13, Walker et al. further discloses the logic, wherein a discount is determined based on volume of a current order (see Supra column 37).

As for Claim 14, Walker et al. further discloses the logic, wherein a discount is determined based on: a stocking/handling charge (the buyer's address or location is pertinent to this, see col. 37, lines 5-30).

As for Claim 15, Walker et al. further discloses the logic programmable to

Art Unit: 3639

determine whether to customize the price (see Supra columns for customizing the price for a specific customer).

As for Claim 16, Walker et al. further discloses the logic, wherein the price is customized based on: geographic region, customer information, product line information, manufacturer information (see Supra column 37).

As for Claim 17, Walker et al. discloses a computer program product comprising: computer readable code means for receiving the electronic price request from the buyer, (see Figs. 1B, 1OB, 26A, 26B);

computer readable code means responsive to receiving the electronic price request for determining whether title to the goods passes directly from the manufacturer to the buyer or through an intermediate e-market place, (col. 20, lines 30-64),

computer readable code means for computing a price of the goods to the buyer based at least partially on the determining, (see Fig. 20 for displaying the price of the goods, in this case, it is inherent for the price to be computed if it is actually displayed, also, col. 30, lines 36-40, shows that once the buyer offer has been accepted by the seller, a freeze may be place on the buyer's funds for the amount of the product price, plus any applicable tax amount calculated, thus indicating that the total price [including tax] is computed to be deducted from the buyer's funds).

Computer readable code means for providing the buyer with a machine-readable signal for displaying the computed price, Col. 33, line 63-col. 34, line 3, shows that the POS register receives a verification signal and processes the transaction, which issues the buyer a receipt for an amount due).

Art Unit: 3639

As for Claim 18, Walker et al. further discloses the computer program product, wherein a first pricing regime is implemented when it is determined that title to the goods passes directly from the manufacturer to the buyer (This is inherently true for all the direct transactions between the buyer and manufacturers. Otherwise, the manufacturer will commit fraud by not delivering the title to the buyer who paid for the goods. See Supra Figs. IOB, 26A, B).

As for Claim 19, Walker et al. further discloses the computer program product, wherein when it is determined that title passes through an intermediate e-market place, the method further includes determining whether to implement the first pricing regime or a second pricing regime (see Supra column and col. 36, lines 7-19\*, col. 37, lines 15-30).

As for Claim 20, Walker et al. further discloses the computer program product including the computer readable code means for determining whether to discount a price (see Id.).

As for Claim 21, Walker et al. further discloses the computer program product, wherein a discount is determined based on volume of a current order (see Supra column 37).

As for Claim 22, Walker et al. further discloses the computer program product, wherein a discount is determined based on: a stocking/handling charge (the buyer's address or location is pertinent to this, see col. 37, lines 5-30).

As for Claim 23, Walker et al. further discloses the computer program product including the computer readable code means for determining whether to customize the



Art Unit: 3639

price (see Supra columns for customizing the price for a specific customer).

As for Claim 24, Walker et al. further discloses the computer program product, Wherein the price is customized based on: geographic region, customer information, product line information, manufacturer information (see Supra column 37).

As for Claim 25, Walker et al. discloses a data processing machine programmed to perform operations, the operations comprising:

receiving the request for quote/receiving from the buyer an electronic message comprising an RFQ, (see Figs. IB, IOB, 26A, 26B);

responsive to receiving the RFQ, determining a price of the goods based at least partially upon a manufacturer's specification as to whether title to the goods will pass directly from the manufacturer to the buyer or through an intermediate, (col. 20, lines 30-64),

transmitting an electronic message representing a price of the goods to the buyer based at least partially on the determining step (see Fig. 20 for displaying the price of the goods).

### ***Response to Arguments***

4. Although claim 25 was originally rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al (US 6,754,636) along with claims 1-24, the examiner has rewritten the introduction to paragraph 3 to include claim 25 as also being rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al (US 6,754,636) in order to clarify some typographical errors.

Art Unit: 3639

5. Applicant's arguments, see pages 7 and 8 of the remarks, filed 10/27/05, with respect to claims 1-24, have been fully considered and are persuasive. The 35 U.S.C. 101 rejection of claims 1-24 (and including claim 25) has been withdrawn.

Applicant's arguments filed 10/27/05 have been fully considered but they are not persuasive.

First, the applicant argues that Walker diverges from claim 1 since, according to applicant, Walker's purchasing system acts responsive to a buyer offer (including a buyer-defined offer price), where if a seller agrees to the buyer's offer, the buyer pays and a retailer make the product available to the buyer, and pays the retailer a "settlement amount" for its services in providing the product to the buyer, where the present invention determines a price of goods made by a manufacturer in response to at least one electronic price request from a buyer. However, in Walker et al, the Conditional Purchase Offer, or CPO is made by the buyer. In the Walker et al reference, it is disclosed that the CPO may be an electronic message that includes an offer price from a buyer. The CPO therefore represents the electronic request since it is an electronic order that includes a requested offer price for a product. Since the buyer pays an amount equal to the price that the seller agrees to, this price is the determined price according to the offer since this is the price that is determined for the buyer to pay for the goods.

As per claim 1, the applicant also argues that Walker et al fails to disclose "computing a price of the goods to the buyer based at least partially on the determining act". However, as disclosed above in the rejection, Fig. 20 shows how prices of the

Art Unit: 3639

goods are displayed, and, in this case, it is inherent for the price to be computed if it is actually displayed. Also, in col. 30, lines 36-40, Walker et al shows that once the buyer offer has been accepted by the seller, a freeze may be place on the buyer's funds for the amount of the product price, plus any applicable tax amount calculated, thus indicating that the total price [including tax] is computed to be deducted from the buyer's funds.

Finally, the applicant argues that Walker et al does not disclose "providing the buyer with a machine-readable signal for displaying the computed price" as disclosed in claim 1. However, in Col. 33, line 63-col. 34, line 3, Walker et al shows that the POS register receives a verification signal and processes the transaction, which issues the buyer a receipt for an amount due according to the accepted offer, which indicates displaying the computed price.

For similar reasons as independent claim 1, independent claims 9 and 17 are also still rejected by Walker et al. Therefore, dependent claims 2-8, 10-16 and 18-24 are still rejected by the Walker et al patent.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 3639

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

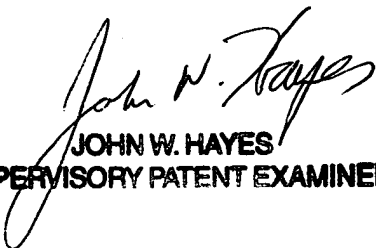
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.  
January 2, 2006



JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER